

REMARKS

Claims 1-52 are pending in the application. Of the pending claims, claims 14-31 and 35-52 were withdrawn from consideration in response to a restriction requirement. By way of this Amendment, applicants amend claims 1, 3, 7-9, 11-13, 32, and 33 to clarify the invention that is claimed. Support for the amendments to the claims may be found in the specification and claims, as originally filed. Accordingly, no new matter has been added by any of the amendments to the claims.

Applicants submit herewith a Supplemental Information Disclosure Statement (IDS) and accompanying Form PTO/SB/08 citing a document that was brought to applicants' attention in connection with a foreign application corresponding to the present application. Applicants respectfully request the Examiner to consider the references cited in the Supplemental IDS and provide applicants with a copy of the Form PTO/SB/08 suitably initialed to indicate such consideration in the next action. The Examiner's attention to this matter is greatly appreciated.

Claims 1-9, 11, 13, and 32-34 appear to be rejected under 35 U.S.C. § 102(e) as anticipated by Rhoades et al, U.S. Patent No. 6,741,174 ("Rhoades et al."). Applicants respectfully traverse the rejection of these claims and request reconsideration. Independent claims 1 and 32, as amended, recite an appendable device that includes, *inter alia*, a housing having a fastener configured to enable or facilitate surface mounting of the appendable device. Rhoades et al. does not disclose or suggest this limitation.

While Rhoades et al. describes an environment monitoring system that includes a plurality of sensor agents that may communicate with preexisting sensors, other sensor agents, and portable devices, Rhoades et al. does not disclose or suggest providing the housing of the sensor agent with a fastener to enable or facilitate surface mounting of the device, as recited by the claims. In fact, the Examiner admits as much. Office action, p. 10, para. 9.

As disclosed in applicants' specification, the fastener of the housing facilitates or enables the appendable device to be physically mounted, attached, or appended to a surface of a piece of equipment in a simple, cost-effective, and minimally invasive manner, thereby eliminating or reducing the necessity of using a skilled tradesperson to install the device.

Specification, p. 7, l. 24 to p. 8, l. 3. This structure reduces the cost and increases the flexibility of using the appendable device within a process control system.

Because Rhoades et al. fails to disclose or suggest each and every limitation of independent claims 1 and 32, these claims are considered to be allowable. Claims 2-9, 11, and 13 (which depend from claim 1), and claims 33 and 34 (which depend from claim 32) are considered to be allowable for at least this same reason. Incidentally, while stating that claims 33 and 34 are anticipated by Rhoades et al., the Examiner has failed to provide a detailed basis for the rejection of these claims as anticipated by Rhoades et al. Applicants assume, therefore, that the Examiner considers claims 33 and 34 rejected only under an obviousness rejection discussed below. If applicants' assumption is incorrect, and the Examiner wishes to reject claims 33 and 34 as anticipated by Rhoades et al., any subsequent Office action containing that rejection should not be made final, as applicants have not been afforded an opportunity to fully consider and respond to any such rejection.

Dependent claims 10 and 34 stand rejected under 35 U.S.C. § 103(a) as obvious over Rhoades et al. in view of Handfield et al., U.S. Patent No. 5,741,966 ("Handfield et al."), and dependent claims 12 and 33 stand rejected under 35 U.S.C. § 103(a) as obvious over Rhoades et al. in view of Flaherty, U.S. Publication No. 2004/0087894 A1 ("Flaherty"). Applicants respectfully traverse the rejections of these claims and request reconsideration.

As discussed above, Rhoades et al. does not disclose or suggest each and every limitation of claim 1 (from which claims 10 and 12 depend) and claim 32 (from which claims 33 and 34 depend). Applicants respectfully submit that neither Handfield et al. nor Flaherty provides the missing disclosure or suggestion of Rhoades et al.

While Handfield et al. describes a tire pressure monitoring system that uses sensors to monitor the pressure and temperature within a tire of a wheeled vehicle, Handfield et al. does not disclose or suggest an appendable device that includes a housing having a fastener configured to enable or facilitate surface mounting of the appendable device, as recited by the claims at issue. Furthermore, it would not have been obvious to one of ordinary skill in the art at the time of applicants' invention to combine the teachings of Rhoades et al. with Handfield et al. to arrive at the claimed subject matter because neither Rhoades et al. nor Handfield et al. teaches or suggests that it would be possible to make such a combination.

While Flaherty discloses a fluid delivery device (10) for delivering fluid to a patient, wherein the fluid delivery device includes one or more adhesive layers (201, 202) that allow the device to be directly attached to the skin of a patient, the Flaherty device is a very different kind of device than that recited by the claims at issue. In particular, the Flaherty device is essentially a remotely controlled pump that pumps fluid into a patient's body, and thus is an end device (similar to a field device in an industrial process). The Flaherty device is not a device that communicates with a sensor or a control device (such as a pump) within a process, but is instead, a control device itself. The device recited by claims 1 and 32 is, on the other hand, an intermediate device that communicates with a sensor or a control output to receive data from an end device within the process or to provide a control signal to an end device, such as a field device, within the process. The Flaherty device is such an end device and is not an intermediate device that communicates with an end device. Thus suggesting that it is possible to provide an adhesive strip to a pump (an end device) is not a suggestion or a motivation to provide an attachment structure to an intermediate device that communicates with an end device, to thereby allow the intermediate device to be easily disposed at various locations within a plant. Thus, while Flaherty discloses attaching a pump at a location to be used (i.e., on the patient), Flaherty does not disclose or suggest that it is desirable or even possible to attach a device which communicates with and controls the pump to the patient. In other words, Flaherty is not a device configured to communicate information related to at least one of a sensor or a control output to another device (as recited by claims 10 and 12); or a device that transmits information associated with a sensed parameter to another device (as recited by claims 33 and 34), and therefore provides no suggestion to provide a fastener to such a device. For this reason, it would not have been obvious to one of ordinary skill in the art at the time of applicants' invention to combine the teachings of Rhoades et al. with Flaherty to arrive at the claimed subject matter.

It is clear that the cited references must make a suggestion of or provide an incentive for the claimed combination of elements to establish a *prima facie* case of obviousness. See *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446, (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Because none of the cited references discloses or suggests placing a fastener on a device (such as an intermediate device or control device) that communicates with a sensor or a control output to receive data from or to control an end device (such as a field device) to enable or facilitate surface mounting of the device at various locations in a

plant, as recited by claims 1-13 and 32-34, it follows that no combination of the cited references renders these claims obvious.

In view of the foregoing, applicants submit that the application as a whole is in condition for allowance, and such action is requested at the Examiner's earliest convenience.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 06005/38044. A duplicate copy of this paper is enclosed.

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Respectfully submitted,

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